

California Victim Compensation and Government Claims Board

Open Meeting Minutes

June 16, 2005

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, June 16, 2005, at 10:00 a.m. Also present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller. Michael Ramos, San Bernardino County District Attorney, was absent from the meeting.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; Tim Eldred, Manager, Government Claims Program; and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the May 19, 2005 Board meeting.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:03 a.m.

Item 1 Government Claims Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following change:

Item 137 Claimant: Susan Scarsella G552645

Claimant has amended the claim and requested a continuance.

Mr. Don Neverkovec addressed the Board on his claim G551800. The Board voted to adopt the staff recommendation and deny the claim.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
463	296	83	27	56

Item 2 CLAIMANT: Oakland Private Industry Council G550304

Mr. Eldred informed the Board that the Department of Transportation requested to continue this claim until July even though they had originally recommended approval of the claim.

Ms. DeeDee Andris, Policy Analyst, Procurement and Contracts Division, appeared on behalf of the Department of Transportation and reported that additional information is being reviewed that may reduce the amount awarded to the Oakland Private Industry Council. She requested the item be continued to the July Board meeting.

The Board agreed to continue claim G550304.

Item 3 **CLAIMANT: ARINC, Inc.** **G549751**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$211,798.31 and paid pursuant to Government Code section 965.

Item 4 **CLAIMANT: Westview Services, Inc.** **G553354**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$197,051.75 and paid pursuant to Government Code section 965.

Item 5 **CLAIMANT: California State University** **G551416**

Mr. David Booher, Consultant, appeared on behalf of the Center for Collaborative Policy a joint program of California State University, Sacramento.

Mr. Ned Confer, Chief, Fiscal Services Division, appeared on behalf of the California Bay-Delta Authority.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$172,620.64 and paid pursuant to Government Code section 965.

Item 6 **CLAIMANT: CorrLogic** **G554390**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$61,629.00 and paid pursuant to Government Code section 965.

Item 7 **CLAIMANT: Gerald H. Goldberg** **G554000**

Claimant requested that this item be continued to the July Board meeting.

The Board agreed to continue claim G554000.

Item 8 **Request for Extension of Delegated Authority**

Tim Eldred, Manager, Government Claims Program, presented the "Department of General Services Extension of Delegated Authority to Settle and Pay Tort Claims of less than \$1,000 each and to Reject Claims under Government Code section 935.6."

The Board voted to adopt the staff recommendations to approve the request.

Item 9 **CLAIMANT: Kenneth Faulkner (Penal Code 4900)** **G539298**

Claimant requested this item be continued to the July Board meeting.

The Board agreed to continue claim G539298.

Item 10 **CLAIMANT: Joseph Robinson (Penal Code 4900)** **G543868**

Kathleen Andleman, Chief Counsel, presented the claim of Joseph Robinson G543868.

The Board voted to adopt the staff recommendation to deny Mr. Robinson's claim under Penal Code 4900 et seq.

Item 11 **Invitation for Bid: Tule River Aero-Industries' (IFB) No. 54068**

Kathleen Andleman, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Tule River Aero-Industries' Invitation for Bid (IFB) No. 54068."

The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:25 a.m.

The Executive Officer reported on the following:

- Board Marks Four Decades of Service
- Federal Funding Update
- Tom O'Connor, Chief Deputy Executive Officer, Joins the Board's Executive Staff
- Laura Hill Accepts the Deputy Executive Officer's Position in RRAD
- Government Claims Program Meets with Department Coordinators
- Victim Compensation Advisory Committee Meeting
- Restitution Training for Probation Officers
- Outreach Visits to Joint Power Counties

CONTRACT REPORT

Ms. McGagin reported on the "Contracts Report" dated May 2005.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 19 and deny requests for reconsideration for agenda item numbers 20 through 31.

Item 20	<u>CLAIMANT</u>	<u>569472V & 569471V</u>
Item 21	<u>CLAIMANT</u>	<u>588013V</u>
Item 22	<u>CLAIMANT</u>	<u>784751V & 792015V</u>
Item 23	<u>CLAIMANT</u>	<u>794759V</u>
Item 24	<u>CLAIMANT</u>	<u>801010V</u>
Item 25	<u>CLAIMANT</u>	<u>818011V</u>
Item 26	<u>CLAIMANT</u>	<u>823726V</u>
Item 27	<u>CLAIMANT</u>	<u>823728V</u>
Item 28	<u>CLAIMANT</u>	<u>826987V</u>

Item 29	CLAIMANT	828370V
Item 30	CLAIMANT	830214V
Item 31	CLAIMANT	837627V

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 32 through 63.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer, Chief Counsel at 10:28 a.m. to deliberate on the proposed decisions that were taken under submission during the meeting and to discuss the following pending litigation:

- Charles Meany v. California Victim Compensation and Government Claims Board
San Francisco County Superior Court CPF 03503699
- MCI WorldCom Communications Inc. v. State of California, Victim Compensation and Government Claims Board and the Department of General Services *Sacramento County Superior Court 04CS00978*
- John Tennison v. Victim Compensation and Government Claims Board
San Francisco County Superior Court Case No. CPF 05-505252

The Board reconvened into open session at 10:32 a.m.

PROPOSED DECISIONS

Item 64	CLAIMANT	599753V
The Board voted to adopt the proposed decision.		
Item 65	CLAIMANT	604769V
The Board voted to adopt the proposed decision.		
Item 66	CLAIMANT	608752V
The Board voted to adopt the proposed decision.		
Item 67	CLAIMANT	674515V
The Board voted to adopt the proposed decision.		
Item 68	CLAIMANT	699656V
The Board voted to adopt the proposed decision.		
Item 69	CLAIMANT	773318V
The Board voted to adopt the proposed decision.		
Item 70	CLAIMANT	783282V
The Board voted to adopt the proposed decision.		
Item 71	CLAIMANT	781154V
The Board voted to adopt the proposed decision.		
Item 72	CLAIMANT	796141V

The Board voted to adopt the proposed decision.

Item 73 CLAIMANT 806235V

The Board voted to adopt the proposed decision.

Item 74 CLAIMANT 808904V

The Board voted to adopt the proposed decision.

Item 75 CLAIMANT 823021V

The Board voted to adopt the proposed decision.

Item 76 CLAIMANT 847292V

The Board voted to adopt the proposed decision.

ADJOURNMENT

The meeting was adjourned at 10:34 a.m.

KAREN MCGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Missy Carrick
Board Liaison

(Affix seal here)